

REMARKS

I. Introduction

Claims 9, 10, and 12-16 are currently pending in the present application after cancellation of claim 11. Claims 9, 10, and 13-16 have been amended. In view of the foregoing amendments and the following remarks, it is respectfully submitted that claims 9, 10, and 12-16 are allowable, and reconsideration of these claims is respectfully requested.

II. Rejection of Claims 10 and 12 under 35 U.S.C. § 112, Second Paragraph

Claims 10 and 12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 9 has been amended to recite that “the first, second and third communication devices are ~~distinct~~ discrete,” i.e., separate entities, and dependent claim 10 has been amended to recite “the at least one of the second communication device and the third communication device is configured identically ~~identical~~ to the first communication device.” In view of the amendments, there is no possibility of confusion between the language of claim 9 and the language of dependent claim 10. Therefore, amended claims 9 and 10 clearly comply with the requirements under 35 U.S.C. § 112, second paragraph.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 9-14 and 16 under 35 U.S.C. § 103(a)

Claims 9 to 14, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over that which the Final Office Action characterized as the Admitted Prior Art (APA), specifically Figure 3, and German Patent Publication No. DE19937156, which is equivalent to U.S. Patent No. 6,349,996 (“Heckmann”). Claim 11 has been canceled herein without prejudice, thereby rendering moot the present rejection with respect to claim 11. Applicants respectfully submit that this rejection should be withdrawn, for the following reasons.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, the

Examiner must show, *inter alia*, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. M.P.E.P. §2143. In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to [modify] the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 82 U.S.P.Q.2d 1385 (2007). In this regard, the Supreme Court further noted that “rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, at 1396. To the extent that the Examiner may be relying on the doctrine of inherent disclosure in support of the obviousness rejection, the Examiner must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristics necessarily flow from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; see also Ex parte Levy, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Inter. 1990)).

Amended independent claim 9 recites the following:

9. A decentralized electrical braking system, comprising:
 - at least four sensors for sensing an actuation of a brake actuating device;
 - at least four wheel-braking modules, each wheel-braking module being assigned to a corresponding vehicle wheel and acquiring sensor data and controlling braking of the corresponding vehicle wheel;
 - at least one first communication device connecting all four wheel-braking modules to one another for exchange of data;
 - an electrical connecting device for connecting each sensor to at least one wheel-braking module; and
 - at least one of a second communication device and a third communication device for facilitating at least one of receiving and exchanging data between at least two wheel-braking modules associated with opposite lateral sides of the vehicle, wherein the first, second and third communication devices are discrete,
- wherein a front wheel-braking module of a first lateral side of the vehicle is connected only to a rear wheel-braking module of a second lateral side of the vehicle by the second communication device, and a front wheel-braking module of the second lateral side of the vehicle is connected only to a rear wheel-braking**

module of the first lateral side of the vehicle by the third communication device.

Support for this amendment may be found in the Substitute Specification, e.g., at page 4, line 24 to page 5, line 2; and Figure 1.

In support of the rejection, the Examiner contends that the APA teaches a second communication device 14' and a third communication device 15 in Figure 3. However, as an initial matter, it is respectfully submitted that Figure 3 of the APA merely shows a central brake pedal module 15. (Substitute Specification, p. 1, line 28). Thus, element 15 of Figure 3 of the APA is not a third communication device.

Furthermore, the APA does not disclose, or suggest, the feature that a front wheel-braking module of a first lateral side of the vehicle is connected only to a rear wheel-braking module of a second lateral side of the vehicle by the second communication device, and a front wheel-braking module of the second lateral side of the vehicle is connected only to a rear wheel-braking module of the first lateral side of the vehicle by the third communication device. Nowhere does the APA indicate that a second communication device connects a front braking module of a first lateral side only to a rear braking module of a second lateral side. Similarly, nowhere does the APA indicate that a third communication device connects a front braking module of a second lateral side only to a rear braking module of a first lateral side. In addition, Heckmann also does not disclose or suggest this claimed feature of claim 9. In this regard, Heckmann merely indicates a serial communication system K1 connected to each of four wheel modules RM1-RM4. (See Heckmann, Figure).

For at least the foregoing reasons, independent claim 9 and its dependent claims 10, 12-14, and 16 are not rendered unpatentable by the combination of the APA and Heckmann. It is therefore respectfully requested that the rejection be withdrawn.

IV. Rejection of Claim 15 under 35 U.S.C. § 103(a)

Claim 15 was rejected under 35 U.S.C. § 103(a) as unpatentable over the APA, Heckmann et al., and German Patent Publication No. DE19918995, which is equivalent to

U.S. Patent No. 6,684,146 ("Hedenetz"). Applicants respectfully submit that this rejection should be withdrawn, for the following reasons.

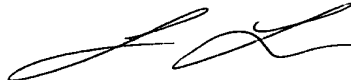
Claim 15 depends from claim 9. As more fully set forth above, the combination of the APA and Heckmann does not disclose, or suggest, the feature that **a front wheel-braking module of a first lateral side of the vehicle is connected only to a rear wheel-braking module of a second lateral side of the vehicle by the second communication device, and a front wheel-braking module of the second lateral side of the vehicle is connected only to a rear wheel-braking module of the first lateral side of the vehicle by the third communication device.** Hedenetz also does not disclose or suggest this claimed feature of claim 9. In this regard, Hedenetz merely indicates two data buses 8a, 8b connected to each of four braking regulating units b1-b4 (Hedenetz, Figures 1a and 3a).

For at least the foregoing reasons, dependent claim 15, which depends from claim 9, is not rendered unpatentable by the combination of the APA, Heckmann, and Hedenetz. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

Applicants respectfully submit that claims 9, 10, and 12-16 of the present application under consideration are now in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

 (R. 100. 36,197)

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